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State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Executive Director

Division of Oil Gas and Mining

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May 11, 2007

Kennecott Utah Copper Corporation
Attn: Rowan Jackson-McGowan
P.O. Box 6001
Magna, Utah 84044-6001

Subject: Response to Draft, Kennecott Utah Copper Corporation, Bingham Canyon, M/035/002, Salt Lake County, Utah

Dear Mr. McGowan:

The Division received the working draft Request for Agency Action and final documentation associated with the South Jordan Evaporation Ponds (SJEP) and the Bastian Sink cleanup. In general the proposal does not provide detailed information to allow the Division to make specific recommendations to the Board of Oil, Gas and Mining. The Division requests the bulleted review information below, in order to prepare for this recommendation and a site inspection. The review is grouped into the following categories.

- Maps
- Bastian Sink cleanup
- South Jordan Evaporation Ponds (SJEP)
- Haul Road
- Groundwater Remediation Project
- By Section (7, 17, 18, 19 T3S R1W and 13, 14, 15, 24, 25, 28 T3S R2W)

Maps:

- Please provide a map (or reference a previously submitted map) showing the lands affected by mining for the 10 sections and recently permitted haul road. The map should show and label areas affected by mining (including roads, reclaimed areas, groundwater remediation project area, and stream remediation areas), areas affected by mining but not used since 1975 (label as pre-law), Kennecott surface land ownership, and postmining land use. (R647-4-105, R647-4-110.4)

Bastian Sink Cleanup (part of Section 15 T3S R2W SLBM):

- The postmining land use is identified as residential, recreational, and commercial. Reclamation practices are such that the on-site area must be in a condition that is capable of supporting the post mining land use (R647-4-111.5). Further information is required regarding the development of this area such as a city/county approved



residential development plan with proposed start up dates . Assuming the site will be developed for housing, how soon will this occur? If the land will not be developed for housing within the next year a stable vegetative cover must be established as a release standard. The vegetative cover must achieve 70 percent of the premining cover and survive three growing seasons (R647-4-111.13).

- Submit the Construction Completion Notification issued by The State of Utah, Department of Environmental Quality (DEQ). Although the KUCC submitted report of April 5, 2007 indicates the soils have met the community development standard, the Division requests a determination of completion from DEQ. The area must be in a condition that adverse environmental impacts are eliminated or controlled. (R647-4-110.4)

South Jordan Evaporation Ponds (SJEP) (part of Section 18 & 19 T3S R1W and Section 13 & 24 T3S R2W SLBM):

- Post mining land use is identified as residential, recreational, and commercial. Reclamation practices are such that the on-site area must be in a condition that is capable of supporting the post mining land use. Further information is required regarding the development of this area such as city/county approved residential development plan with proposed start up dates (R647-4-111.5). If the land will not be developed for housing within the next year a stable vegetative cover must be established as a release standard. The vegetative cover must achieve 70 percent of the premining cover and survive three growing seasons (R647-4-111.13).
- Submit the Construction Completion Notification issued by The State of Utah, Department of Environmental Quality (DEQ). Although the KUCC submitted report of April 5, 2007 indicates the soils have met the community development standard, the Division requests a determination of completion from DEQ. The area must be in a condition that adverse environmental impacts are eliminated or controlled. (R647-4-110.4)

Haul Roads (portions of Section 18 T3S R1W and Sections 13, 24 & 28 T3S R2W SLBM):

- Provide narrative about the on site roads condition and surface drainage and erosion control. (R647-4-111.8)
- From the information provided, it does not appear the haul road from the South Jordan Evaporation Ponds to Copper Notch is part of the Daybreak development plan. If this is correct, the road should be reclaimed to the condition capable of supporting the postmining land use. If continued use of the road is desired, identify those road areas. (R647-4-111.8)

Groundwater Remediation Project:

- Identify post mining land use, for the wells and treatment facilities, if different from surrounding land use. If the use is residential, provide narrative about potential for use as culinary water in both Zone A and Zone B. (R647-4-111.5)
- Provided documentation from DEQ that the reclamation of these areas is defined. It is the Division's understanding that DEQ is charged with contamination only and the Division is charged with reclamation requirements. (R647-4-108, R647-4-110.2, R647-4-111.11)
- Identify on a map (or reference a previously submitted map) extraction and barrier wells with associated pipelines, electrical supply, and maintenance access roads by section. Any roads associated with these facilities should be shown on a map. (R647-4-110.4, R647-4-111.4)
- Other items that may be needed include:
 - Provide narrative on minimizing hazards to public safety (R647-4-111.1);
 - Information regarding erosion control R647-4-111.3);
 - Identify the section(s) location of the area as part of a narrative;
 - Provide information such as location and contaminants that are being monitored (R647-4-111.4); and
 - Provide information concerning the terms and conditions of the agreement with DEQ that may allow for modification of the agreement to include reclamation of these facilities.

By Section (7, 17, 18, 19 T3S R1W and 13, 14, 15, 24, 25, 28 T3S R2W):

- Please provide post mining land use by section unless it has been identified within one of the categories and it applies to the entire section.
- Please provide overall reclamation status of each section and the identified area within each section (as shown in the bullets). A stable vegetative cover must be established as a release standard for most land uses. The vegetative cover must achieve 70 percent of the premining cover and survive three growing seasons. The estimated cover values, for each area should be provided. If any of the below areas are within the consent decree or operation and maintenance plan with the EPA, please identify and explain. Specifically:

Section 28 (T3S R2W SLBM) areas:

- Midas Creek/Silas Soil Removal
- Randolph Petersen Gate Soil Reclamation
- Copper Creek Soil Removal
- Reclaimed Lark Tailings
- Production wells

Section 15, 14, and 13 (T3S R2W SLBM) areas:

- Bingham Creek Channel Soil Removal
- Evaporation pond canals

- North Jordan pipeline
- Deep Well pipeline
- Process water pipeline BFG1200 and B2G1193
- Production wells

Section 24 (T3S R2W SLBM) areas:

- Evaporation pond
- Roads, excluding "haul road"

Section 17 (T3S R1W SLBM) areas:

- Residential development status, including completion stages and locations

Section 18 (T3S R1W SLBM) areas:

- Pond Sediment Removal and Reclamation
- Residential development status, including completion stages and locations

Section 19 (T3S R1W SLBM) areas:

- Former evaporation pond
- Residential development status, including completion stages and locations

Section 7 (T3S R1W SLBM) areas:

- Bingham Creek Channel Soil Removal
- Residential development status, including completion stages and locations

If you should have any questions or comments concerning this request please direct them to myself 538-5258 (general comments), Beth Ericksen (lead and engineering 538-5318), Tom Munson (hydrology, 538-5321), and Paul Baker (vegetation and soils, 538-5261).

Sincerely,



for

Susan M. White
Mining Program Coordinator
Minerals Regulatory Program

SMW:BE:pb

cc: Beth Ericksen
Paul Baker
Tom Munson
Mary Ann Wright
Douglas Bacon

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